

AMENDED IN ASSEMBLY APRIL 29, 2009

AMENDED IN ASSEMBLY MARCH 31, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 93

Introduced by Assembly Member De Leon

January 6, 2009

An act relating to the payment of claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 93, as amended, De Leon. Claims against the state: appropriation.

Current law authorizes a procedure for the state to pay claims against the state.

This bill would appropriate, to the Department of Justice, from the General Fund, a total of ~~\$1,235,373.95~~ \$11,402,373.95 to pay specific settlements *and judgments*. The bill would provide that any appropriated funds in excess of the amount required to pay those claims would revert to the General Fund.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The sum of two hundred forty-five thousand three
- 2 hundred seventy-three dollars and ninety-five cents (\$245,373.95)

1 is hereby appropriated from the General Fund to the Department
2 of Justice to pay the settlement costs and fees in the In re Marriage
3 ~~eases~~ *Cases*, San Francisco Superior Court, Judicial Council
4 ~~Coordinated~~ *Coordination* Proceeding No. 4365. Any funds
5 appropriated in excess of the amount required for the payment of
6 the claims arising from this litigation shall revert to the General
7 Fund.

8 SEC. 2. The sum of nine hundred ninety thousand dollars
9 (\$990,000) is hereby appropriated from the General Fund to the
10 Department of Justice to pay for the fee and expenses award in
11 League of United Latin American Citizens (LULAC) v. Wilson,
12 United States District Court Case No. 94-7569 MRP. Any funds
13 appropriated in excess of the amount required for the payment of
14 this claim shall revert to the General Fund.

15 SEC. 3. *The sum of eight million five hundred thousand dollars*
16 *(\$8,500,000) is hereby appropriated from the General Fund to the*
17 *Department of Justice to pay the judgment in Bank of America v.*
18 *State of California, San Francisco Superior Court Case No.*
19 *401775. Any funds appropriated in excess of the amount required*
20 *for the payment of this claim shall revert to the General Fund.*

21 SEC. 4. *The sum of ninety-six thousand dollars (\$96,000) is*
22 *hereby appropriated from the General Fund to the Department of*
23 *Justice to pay a settlement of legal fees in Video Software Dealers*
24 *Association v. Schwarzenegger, Ninth Circuit Court of Appeals*
25 *Case No. 07-16620. Any funds appropriated in excess of the*
26 *amount required for the payment of this claim shall revert to the*
27 *General Fund.*

28 SEC. 5. *The sum of nine hundred ninety-six thousand dollars*
29 *(\$996,000) is hereby appropriated from the General Fund to the*
30 *Department of Justice to pay a settlement in Whyte v. California*
31 *Department of Justice, Kern County Superior Court Case No.*
32 *S-1500-CV-244826. Any funds appropriated in excess of the*
33 *amount required for the payment of this claim shall revert to the*
34 *General Fund.*

35 SEC. 6. *The sum of five hundred seventy-five thousand dollars*
36 *(\$575,000) is hereby appropriated from the General Fund to the*
37 *Department of Justice to pay a settlement in California Pro-Life*
38 *Council, Inc. v. Randolph, Ninth Circuit Court of Appeals Case*
39 *Nos. 08-17359 and 08-17473. Any funds appropriated in excess*

1 *of the amount required for the payment of this claim shall revert*
2 *to the General Fund.*

3 ~~SEC. 3.~~

4 SEC. 7. The Legislature intends to appropriate funds for the
5 payment of claims against the state presented by the Attorney
6 General. Any funds appropriated in excess of the amounts actually
7 required for the payment of a claim shall revert to the General
8 Fund on June 30 of the fiscal year in which the payment is made.

9 ~~SEC. 4.~~

10 SEC. 8. This act is an urgency statute necessary for the
11 immediate preservation of the public peace, health, or safety within
12 the meaning of Article IV of the Constitution and shall go into
13 immediate effect. The facts constituting the necessity are:

14 In order to pay claims against the state and end hardship to
15 claimants as quickly as possible, it is necessary that this bill go
16 into immediate effect.